

JUDGE'S COPY

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,

Plaintiff

v.

ROBERT W. MEYERS, et al.

Defendants

:
:
:
:
:
:
:

No. 1:CV-00-0895

(M.J. Smyser)

FILED

HARRISBURG, PA

JAN 31 2001

MARY E. D'ANDREA, CLERK
Per ETG

Deputy Clerk

MOTION FOR SUPPLEMENTAL PLEADING

Plaintiff Terrance Montague request leave of Court to supplement his complaint as follows:

1. Plaintiff has still not been moved to the Non-Smoking Block, where Defendants now know that facts of this case and of Plaintiff's Asthma.

2. Although there is not supposed to be any smoking on Block-out of A-Block, with No smoking signs posted, the Block is not smoke free, inmates and Correction Officers sneak smokes on block-out and while watching T.V. in front of my cell, and inmates still smoke in their cells, all causing me to endure the effects of second-hand smoke.

3. On 12/3/00, while inmates were locked in for Noon Count Sgt. Curtis, the Block Sgt., and Officer Wentz were smoking cigarettes, while sitting and watching the Pittsburgh and Radiers game on T.V. in front of my cell, where there is a No Smoking sign.

4. I spoke to said Officer's about their smoking and Sgt. Curtis told me "if you put a Grievance in on me I'll make sure you stay locked up."

5. On 12/3/00, Plaintiff filed a "Official Inmate Grievance #ROC0545-00. See Exhibit "A."

6. On 12/16/00, the Grievance Coordinator filed a reply, admitting to the smoking, but denies that Plaintiff was threatened. See Exhibit "B."

7. Sgt. Curtis knew that I had an Asthma condition, that I had a law suit in against the Institution concerning my Asthma and smoking, and the hold-up of my move to the non-smoking block, where I have spoken to him many times about these things, and have let him read my legal work, all in order to get the white-out kept at his desk and to get a Law Library pass, and to have him call medical for me to go over to use the oxygen tank.

8. The actions by Sgt. Curtis were a form of harassment and has/is causing Plaintiff mental pain and suffering, and Plaintiff wants this Court to know of this incident in case there is some form of retaliation or set-up against him.

UNSWORN DECLARATION

I declare, under penalty of perjury, that this pleading and the documents attached are true and correct to the best of my personal knowledge, information and belief.

Dated: 1-26-01

Terrance Montague
Terrance Montague, BE-2761
Box A, Bellefonte, PA
16823-0820

BRIEF IN SUPPORT

Rule 15. Amended and Supplemental Pleadings of the Federal Rules of Civil Procedure provides for the supplemental pleadings.

Dated: 1-26-01

Terrance Montague
Terrance Montague, BE-2761
Box A, Bellefonte, PA
16823-0820